

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

ANDREW P. CAPUTO (CABN 203655)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: andrew.caputo@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANDY NATCHI YAGI and PETER
WONG,

Defendant.

No. CR 12-0483 EMC

STIPULATION REQUESTING
CONTINUANCE OF TRIAL AND
EXCLUSION OF TIME UNDER THE
SPEEDY TRIAL ACT, AND [PROPOSED]
ORDER

The parties respectfully stipulate as follows:

1. Trial is currently set for May 6, 2013, with pretrial filings due beginning on April 2, 2013.

2. The parties participated in a settlement conference last week before the Honorable Laurel Beeler. The settlement conference proved unsuccessful. In the wake of the failed settlement conference, the United States intends to seek a superseding indictment in advance of trial.

3. In light of the timing of the above developments and their proximity to the currently scheduled trial date, the parties jointly believe there is good cause to continue the trial

1 date for a period of less than three months. Accordingly, after consultation with the Court's staff
2 about the Court's schedule, the parties respectfully ask the Court to continue trial in this matter
3 to July 22, 2013.

4 4. As noted above, the government plans to seek a superseding indictment. The
5 superseding indictment will result in additional discovery being provided to the defense.
6 Counsel for both defendants will require time to review the additional discovery and to
7 investigate the additional claims contained in the anticipated new charging document.
8 Accordingly, the parties jointly request that the Court exclude, in computing the time within
9 which trial must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), the period
10 from March 22, 2013, through July 22, 2013. The parties agree that failing to grant the
11 requested continuance would deny counsel for the defendants the reasonable time necessary for
12 effective preparation, taking into account the exercise of due diligence, in this case.

13 IT IS SO STIPULATED.

14
15 DATED: March 22, 2013

_____/s/_____
JENNIFER WIRSCHING
Attorney for Defendant Mandy Natchi Yagi

16
17
18 DATED: March 22, 2013

_____/s/_____
DEAN JOHNSON
Attorney for Defendant Peter Wong

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20
21 DATED: March 22, 2013

_____/s/_____
ANDREW P. CAPUTO
Assistant United States Attorney

[PROPOSED] ORDER

Pursuant to stipulation and for good cause shown, trial in this matter is hereby continued to July 22, 2013. The pretrial conference is continued to July 9, 2013, at 2:30 p.m.

The time from March 22, 2013, through July 22, 2013, is hereby excluded in computing the time within which trial must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(c)(1). For the reasons specified in the parties' stipulation, the Court finds that exclusion of this time is necessary for the effective preparation of defendants' counsel and that the ends of justice served by granting this continuance and excluding this time from calculation outweigh the best interest of the public and the defendants in a speedy trial.

IT IS SO ORDERED.

DATED: March ²⁵ __, 2013

